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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,057	05/23/2001	Mark Bernard Hettish	2001 P 09461 US	1986

7590

11/10/2003

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 11/10/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,057

Applicant(s)

HETTISH, MARK BERNARD

Examiner

Rasha S AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-14 and 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitations in claims 11-15 and 26-28 appear to be referring to previously cited features but they are not. The relationship between claims 11,12,13 and 15 and others claims is not understood.

The dependent claims are rejected for the same reasons.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel, III et al (US PAT # 4,972,453) in view of the admitted prior art.

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Regarding claim 1, Daniel teaches a PBX switch (reads on 114 and 105 in Fig 1), a computing platform coupled to the PBX switch (this may read on computer 122, see Fig. 1, col.3, lines 19-27); and component based interface objects running on said computing platform (this may read on the expert system that invokes testing procedure, see abstract), said component based interface objects defines properties, methods, and events, said properties, methods and events being mapped to provide diagnostic (see col.2, lines 25-30) and statistical information.

Daniel does not specifically teach the use of a control interface for controlling CSTA protocols. However, this feature is old and well known as admitted by applicant specification page 3, lines 1-3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well-known CSTA protocol in Daniel because using an old and available protocol such as the CSTA protocol does not rise to the level of patentability.

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 2 and 17, Daniel teaches determines the number of fault and errors (see col. 17, lines 33-43).

Regarding claims 3 and 18, Daniel teaches diagnostics information is tabulated on the incoming and outgoing link (this simply reads on checking the status of all calls incoming and outgoing, see col.2, lines 43-50).

Regarding claims 4 and 19, Daniel teaches said diagnostic and statistical information are displayable via an ActiveX property page (this reads on block 211 in Fig.2 and col.6, lines 52-58).

Regarding claims 5 and 20, mapping more and more events in the PBX does not distinguish the claims from Daniel.

Regarding claims 6 and 21, said component based interface objects is ActiveX (this is admitted prior art, see application specification page 3, lines 3-4).

Regarding claims 7 and 22, ActiveX (this is admitted prior art, see application specification page 3, lines 3-4) properties are mapped to session configuration (this is obvious).

Regarding claims 8 and 23, ActiveX (this is admitted prior art, see application specification page 3, lines 3-4) includes properties are mapped to session configuration (this is obvious).

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Regarding claims 9 and 24, ActiveX methods and events are mapped to startup and teardown a connection to the PBX switch. Daniel teaches Decision block 709 checks a number of special situations where stable calls could be dropped or disconnected if the diagnostic portion of PROC 620 is executed, (see co1.10, lines 41-52).

Regarding claims 10 and 25, substantially all CSTA and private data fields are supported (CSTA protocol is old and well-known as admitted in Daniel's specification).

Regarding claims 11-12 and 26-27, invoke ID generation is automatic and configurable (this is obvious).

Regarding claims 13 and 28, heartbeat messages and replies are automatically generated. Generating automatic message reply is obvious and well known in the art.

Regarding claims 14 and 29, said heartbeat messages and replies are configurable (this should be obvious because Daniel's system is not meant to be fixed and permanent).

Regarding claims 15 and 30, statuses and errors are automatically logged (this reads on the executing the diagnostic routines checking for fault conditions,

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see col.3, lines 23-28), for having those features logged automatically this will be obvious.

### ***Double Patenting***

5. Claims 1-30 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/863,912. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application and in the copending application recite a control interface, a computing platform and a component based interface objects. However, the computing platform is performing different functions. It would have been obvious to have the computing platform perform any desired functions within the PBX system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker, Jr. et al (US PAT # 4,805,209) teaches host computer 3 (Fig. 1) are coupled to CBX 1 (Fig. 1) to enhance the Branch Exchange features (see abstract).

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Krawiec et al (US PAT # 5,999,593) teaches computer telephony interface connected to PBX (see abstract).

Schwartz et al (US PAT # 6,049,603) teaches method for eliminating telephone hold time (see abstract).

Schlossman et al (US PAT # 5,734,705) teaches intelligent configuration server for PBX (see abstract).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 Pm.

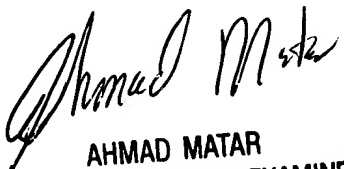
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha Al-Aubaidi

10/9/2003

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
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